

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

FEBRUARY 15, 2017

A Regular Meeting of the Harlingen Elective Commission was held on February 15, 2017, at 5:30 p.m., City Hall, Town Hall Meeting Room, 2<sup>nd</sup> Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell

Mayor Pro-Tem Michael Mezmar, District 3

Richard Uribe, City Commissioner, District 1

Ruben De La Rosa, City Commissioner, District 4

Victor Leal, City Commissioner, District 5

Absent

Tudor Uhlhorn, City Commissioner, District 2

Staff Present

Dan Serna, City Manager

Amanda C. Elizondo, City Secretary

Rick Navarro, City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to State law. The following proceedings were held:

Invocation/Mayor Chris Boswell

Mayor Boswell gave the invocation.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance and welcomed those in attendance.

1) Presentation of certificates to the volunteers that participated in the Smoke Alarm Program for Year 2017.

Lt. Richard Alvarez stated the Fire Department held the 2nd Annual Smoke Alarm Program Campaign in partnership with American Red Cross and reported the following information.

- a) 32,000 flyers were distributed to four (4) elementary schools;
- b) fifty-three (53) residence calls were received;
- c) ten (10) year smoke alarms were installed;
- d) sixty-two (62) homes received new smoke alarms;
- e) 260 alarms were installed; and
- f) one (1) hard-of-hearing smoke alarm was provided and installed.

Lt. Alvarez mentioned the American Red Cross provided the smoke alarms, and the Harlingen Fire Fighters installed them. He thanked the American Red Cross, Harlingen Consolidated Independent School District and Stefano's for their help and support.

Mayor Boswell presented certificates of appreciation to the recipients and thanked them for volunteering their services. This was a great service to the community.

2) Approval of Minutes

- a) Regular Meeting of January 18, 2017

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the minutes of January 18, 2017. Motion carried unanimously.

Consent Agenda

- 3a Second and final reading to approve and adopt an ordinance amending the Code of Ordinances of the City of Harlingen: rezoning from Not Designated ("N") District to Residential, Single Family ("R-1") District for 30.0 acres out of Block 6, Stuart Place Subdivision Survey 139/298; 11.2 acres out of Block E, Blocks 2 and 3 Stuart Place

Subdivision Survey 139; 2.5 acres out of Block D, Resubdivision of Lots 2 and 3 Stuart Place Subdivision Survey 139; 2.5 acres of Block D, Resubdivision of Lots 1 and 2 Stuart Place Subdivision Survey 139; all properties generally located south of Wilson Road between Atlas Palmas Road and Beckham Road; providing for publication and ordaining other matters related to the foregoing. Applicant: City of Harlingen.

- b) Second and final reading to approve and adopt an ordinance amending Chapter 97.03(B)(5) of the Harlingen Code of Ordinances to allow for the sale and consumption of alcoholic beverages in Dixieland Park, Victor Park, Pendleton Park, Arroyo Park, Rangerville Road Park, Wilson Sports Complex and Soccer Complex, by a charitable and Texas Alcoholic Beverage Commission permitted vendor, which meets City insurance requirements, in conjunction with activities which are sponsored or co-sponsored by the City of Harlingen. Applicant: City of Harlingen.
- c) Investment Report for the City of Harlingen for quarter ended December 31, 2016.
- d) Consider and take action to approve a request from the Jalapeno 100 Committee for street closures for the 27<sup>th</sup> Annual Jalapeno 100, Saturday, February 25, 2017 from 6:00 a.m. to 4:00 p.m. and the Chili Pequin 5K/10K Event on Sunday, February 26, 2017 from 6:00 a.m. to 10:30 a.m.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the items under the consent agenda. Motion carried unanimously.

For the record, the Caption of Ordinances Nos. 2017-09 & 2017-10 read as follows:

ORDINANCE 2017-09

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT FOR 30.0 ACRES OUT OF BLOCK 6, STUART PLACE SUBDIVISION SURVEY 139/298; 11.2 ACRES OUT OF BLOCK E, BLOCKS 2 AND 3 STUART PLACE SUBDIVISION SURVEY 139; 2.5 ACRES OUT OF BLOCK D, RESUBDIVISION OF LOTS 2 AND 3 STUART PLACE SUBDIVISION SURVEY 139; 2.5 ACRES OUT OF BLOCK D, RESUBDIVISION OF LOTS 1 AND 2 STUART PLACE SUBDIVISION SURVEY 139; ALL PROPERTIES GENERALLY LOCATED SOUTH OF WILSON ROAD BETWEEN ALTAS PALMAS ROAD AND BECKHAM ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE 2017-10

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING CHAPTER 97.03(B)(5) OF THE HARLINGEN CODE OF ORDINANCES TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN DIXIELAND PARK, VICTOR PARK, PENDLETON PARK, ARROYO PARK, RANGERVILLE ROAD PARK, WILSON SPORTS COMPLEX AND SOCCER COMPLEX, BY A CHARITABLE AND TEXAS ALCOHOLIC BEVERAGE COMMISSION PERMITTED VENDOR, WHICH MEETS CITY INSURANCE REQUIREMENTS, IN CONJUNCTION WITH ACTIVITIES WHICH ARE SPONSORED OR CO-SPONSORED BY THE CITY OF HARLINGEN; PROVIDING FOR PUBLICATION; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

PASSED AND APPROVED on first reading on this 1st day of February, 2017.

PASSED AND APPROVED on second and final reading this 15th day of February, 2017.

ATTEST:  
/s/ Amanda C. Elizondo, City Secretary

CITY OF HARLINGEN  
/s/ Chris Boswell, Mayor

- 4) Consider and take action to approve an MOU between the City of Harlingen and the Harlingen Consolidated Independent School District (HCISD) for HCISD Firefighter Academy and authorize the City Manager to sign the MOU.

Roy Rubio, Fire Chief stated the Fire Department and the Harlingen Consolidated Independent School District met on several occasions to create the first Firefighter Academy. The HCISD Firefighter Academy paired with the students' CTE Law Classes to provide them with a jumpstart for a future in firefighting or as a paramedic. This is a two year program for juniors and seniors. This program is in line with Texas Education Agency Firefighter I & II Courses as well as with the Texas Commission on Fire Protection. The lead instructor will be employed by the HCISD, a certified firefighter who meets all the requirements to be a trainer. The Harlingen Fire Department will assist with proctoring of skills. Chief Rubio stated upon graduation, students have the opportunity to take the exam to be certified as fire protection and emergency care attendant and earn 26 college hours towards an Associate Applied Science Degree offered by South Texas College.

Raul Alvarez, Technology Coordinator stated this is a career technical education course. For this year, they have twenty-five students with a maximum of fifty students per year.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the MOU between the City of Harlingen and the Harlingen Consolidated Independent School District (HCISD) for HCISD Firefighter Academy and authorize the City Manager to sign the MOU. Motion carried unanimously.

5) Consideration and possible action to approve a resolution enacting a moratorium on administrative approval of permits for storage containers.

Rodrigo Davila, Planning & Development Director stated staff was instructed to better manage the storage containers due to the current City ordinance that allows staff to administratively approve the permits. The proposed resolution would enact a moratorium to allow staff to update the ordinance and present to the Planning and Zoning Commission for their consideration and recommendation to the City Commission. The resolution will stop issuing the permits administratively for containers with the exception of construction sites.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the resolution enacting a moratorium on administrative approval of permits for storage containers. Motion carried unanimously.

6) Consider and take action to approve an ordinance on first reading to amend the City of Harlingen's budget for fiscal year 2016-2017.

Sergio Villasana, Assistant Finance Director stated the budget amendment allocates funds for grants not included in the current approved budget; funds for approved and budgeted encumbrances; and project balances from Fiscal Year 2015-2016, which were unspent by the end of the fiscal year. He highlighted Exhibit "A" of the proposed ordinance which showed the total revenues, expenditures and estimated fund balances by funds and recommended approval of the budget amendment.

Mr. Navarro read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the ordinance on first reading amending the City of Harlingen's Budget for Fiscal Year 2016-2017. Motion carried unanimously.

7) Consider and take action to approve a Memorandum of Agreement between the Harlingen Farmer's Market and the City to allow the use of the parking lot adjacent to City Hall as the new location for the Farmer's Market.

Gabriel Gonzalez, Asst. City Manager stated the Memorandum of Understanding is an agreement that allow the use of the parking lot adjacent to City Hall as the new location for the Farmer's Market. The Farmer's Market is currently located on "A" Street between Monroe and Jackson Street. The Farmer's Market was awarded \$135,000 from Valley Baptist Legacy Foundation through the Mayor's Wellness Council for construction of overhead parking. They are allowing the City to help with the design and bid process. The City would oversee the design phase and would include all documents necessary in the bidding process required by the City. They meet every Saturday from 2:30 p.m. to 4:00 p.m. between mid October and mid June. As part of the agreement, they would have exclusive use of those covered parking lots during that time. The City will provide one trash reciprocal and one port a potty for the event during those times. They have twenty vendors and five 5 on a waiting list. This contract is recommended for a one year term. Mr. Gonzalez recommended approval of the agreement.

Discussion was held in regards to an electricity pole to provide electricity during the event and Mayor Boswell stated the agreement could be amended at a later date to discuss the issue of the electricity.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to approve a Memorandum of Agreement between the Harlingen Farmer's Market and the City to allow the use of the parking lot adjacent to City Hall as the new location for the Farmer's Market. Motion carried unanimously.

8) Board Appointments

No Board Appointments.

9) Executive/Closed Session – pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as *Project Liberty* and to seek legal advice from the City Attorney regarding the subject matter.

At 6:03 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 9.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to convene into executive session to discuss Item No. 9. Motion carried unanimously.

At 6:19 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

10) Citizen Communication

None

There being no further business to discuss, Mayor Boswell adjourned the meeting.

CITY OF HARLINGEN

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary